

DECISION MEMO

TONGASS NATIONAL FOREST HOONAH RANGER DISTRICT

APEX EL NIDO SURFACE EXPLORATION PROJECT

DECISION

It is my decision to authorize Millrock Exploration's Apex El Nido Surface Exploration Project, as proposed in their March 21, 2016 submittal. Approved activities include helicopter-supported diamond core drilling. Millrock Exploration owns or has interest in claims within Sections 13 & 22-27, Township 45S, Range 56E, Copper River Meridian. The project area is located in the SW ¼ of Section 23, located in the Cann Creek Drainage. All of the site locations are in Chichagof Inventoried Roadless Area #311. Exploration drilling is an essential activity that defines the extent of available mineral resources. The public's right to explore and develop locatable minerals, including right of access, is granted through the 1872 Mining Law.

In addition to the mitigation activities stated in the Apex El Nido Surface Exploration Project, the following requirements are included in this decision:

- No roads will be constructed.
- No trees will be felled.
- Commencement of surface exploration will not occur until an agreed upon bond is paid in full.
- Proponent will comply with the requirements of the State of Alaska.
- Wash and inspect tools and drilling equipment prior to transporting from the staging area (or other areas potentially infested by invasive plants) to the drilling sites. Also inspect and clean boot treads and clothing of all soil or plant seeds and other plant parts.
- Revegetate disturbed ground if prompt natural regeneration is not expected. Use local native vegetation when available, or an approved weed-free seed mix. See current Tongass National Forest revegetation guidelines for detailed procedures and appropriate mixes.
- Use natural fiber matting such as coconut for erosion control as an alternative to straw bales.
- When feasible, inspect areas where gravel or other materials have been imported for 2-3 years afterwards to ensure no invasive plants are present.
- To avoid erosion and discharge impacts to streams, all activities (including drilling, helicopter landings, hand dug sumps, and any overland travel) should be kept at least 50 meters (164 feet) from flowing water.
- Best management practices should be implemented to mitigate erosion caused by project activities. All erosion and sediment controls must be maintained throughout the project to ensure they are working properly.
- Fuel should be stored in secondary containment at least 100 meters (328 feet) from water. Only minimal amounts of fuel should be stored on site. Water pumps located near a stream should be covered in secondary containment. When reasonable, water pumps should be refueled away from streams.
- During any transfer of fuel, an adequately-sized spill kit must be present and staff should know how to properly use it. Refueling and servicing should be done well away from water bodies. Extreme caution should be used when transferring fuel.
- Significant maintenance on equipment should be conducted at a properly controlled, offsite

facility.

- All drill holes must be reclaimed concurrently with exploration according to standards of State of Alaska Statutes for reclamation. No more than two drill pads should be constructed at any given time.
- Surface activities should cease and all reclamation should be completed before the ground is no longer able to absorb discharge due to being frozen or saturated.
- If any previously undiscovered endangered, threatened, candidate or sensitive species or key habitats for any Management Indicator Species (MIS) or other species identified in this document are encountered at any point in time prior to or during the implementation of this project, a District Biologist would be consulted and appropriate measures would be enacted.
- It is recommended that screens on pump intakes have at most 1/8 in. mesh to prevent mortality of young fish.
- In situations when stream levels are extremely low and it is difficult to maintain sufficient intake flows, it is recommended that work be suspended or another water source utilized, until flows increase, to minimize potential dewatering impacts to fish downstream.
- To minimize disturbance to marine mammals and nesting birds, maintain flight paths at least 1000 ft. above ground level and if a nest becomes apparent during work, avoid flying within 1000 ft. vertically and horizontally of it. The staging area in Pelican should also be at least 1000 ft. from any raptor nest.
- If feasible, the two lower water sources in Cann Creek should be eliminated from consideration due to being located within Alaska Heritage Resources Survey (AHRS) site SIT 020. If not feasible, the Forest Service requests additional information regarding exact placement of the pump and associated infrastructure, as well as photographs for our review before their use is authorized.
- Proponent should avoid known historic properties, including all "relics" and features associated with former mining, report any new ones they may find, and leave all undisturbed.

This activity falls within a category of actions which normally do not individually or cumulatively have a significant effect on the quality of the human environment and, therefore, may be categorically excluded from documentation in an environmental impact statement or environmental assessment. This category of actions is identified in 36 CFR 220.6(e)(8) as: Short-term (1 year or less) mineral, energy, or geophysical investigation and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than 1 mile of low standard road, or use and minor repair of existing roads.

No extraordinary circumstances exist which would result in additional impacts. No irreversible or irretrievable commitments of resources are anticipated.

PUBLIC INVOLVEMENT

A letter dated June 2, 2016, was sent to native groups, agencies, other groups, and individuals that might have an interest in the project. The letter was sent via U.S. Mail and a newly implemented electronic delivery system called govdelivery, which allows the public to sign up for notifications for projects they may be interested in. In total, the letter was delivered to over 300 recipients. The State of Alaska was the only respondent. The Alaska Department of Fish and Game stated that a fish habitat permit is not required.

BIOLOGICAL EVALUATION

Biological Evaluations were completed for plants and animals. No sensitive species will experience impacts that would cause or contribute to a trend towards federal listing or cause a loss of viability to the population or species.

FINDINGS REQUIRED BY OTHER LAWS

2008 Tongass Land and Resource Management Plan

This decision is consistent with the Forest Plan. The project is located within an area identified in the Forest Plan as having a Land Use Designation (LUD) of Semi-Remote Recreation. Direction for management of this area is to permit reasonable access to mining claims in accordance with the provisions of an approved Plan of Operations in accordance with National Forest Mining Regulations 36 CFR 228 and FSM 2800 and to assure prospectors and claimants their rights under the General Mining Law of 1872.

ANILCA Sections 810 & 811, Subsistence Evaluation and Finding

The effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. Wildlife analysis area 3419 is one of three areas that have made up 75% of deer harvested by residents of Pelican. However, based on the MIS analysis for deer, no significant change in deer distribution or abundance is expected to result from implementing this project. Access to the project area will remain unchanged. The proposed project would not result in a significant possibility of a restriction of subsistence use of wildlife, fish, or other foods.

Clean Water Act of 1977 (as amended)

Project activities meet all applicable State of Alaska Water Quality Standards. Congress intended the Clean Water Act of 1972 (Public Law 92-500) as amended in 1977 (Public Law 95-217) and 1987 (Public Law 100-4) to protect and improve the quality of water resources and maintain their beneficial uses. Section 313 of the Clean Water Act and Executive Order 12088 of January 23, 1987 addresses federal agency compliance and consistency with water pollution control mandates. Agencies must be consistent with requirements that apply to "any governmental entity" or private person.

Sections 208 and 319 recognized the need for control strategies for nonpoint source pollution caused by activities such as surface exploration. Best Management Practices (BMPs) are recognized as the primary control mechanisms for nonpoint source pollution on National Forest System lands. The site-specific application of BMPs, with a monitoring and feedback mechanism, is the approved strategy for controlling nonpoint source pollution in Alaska's Nonpoint Source Pollution Control Strategy (2013). BMP implementation, monitoring, and the feedback mechanism are described in an agreement on cooperative water quality management signed by the Alaska Department of Environmental Conservation and the Alaska Region Forest Service in 1992.

The Forest Service BMPs (2012, 2006) are incorporated by reference into the Forest Plan and this project. BMPs applicable to this project are described in the Apex El Nido Exploration Project Plan of Operations and in the mitigations listed in this Decision Memo.

Roadless Area Conservation

The proposed drilling sites are located within the Chichagof Inventoried Roadless Area (#311); however, no tree will be cut during this project so Roadless approval is unnecessary.

Endangered Species Act of 1973

Biological evaluations have been completed for this action. No Federally listed threatened or

endangered species will be affected by this activity.

National Historic Preservation Act of 1966

The Forest Service program for compliance with the National Historic Preservation Act (NHPA) includes locating, inventorying and evaluating the National Register of Historic Places eligibility of historic and archeological sites that may be directly or indirectly affected by scheduled activities. Regulations (36 CFR 800) implementing Section 106 of the NHPA require Federal agencies to consider the effects of their actions on sites that are determined eligible for inclusion in or are listed in the National Register of Historic Places (termed "historic properties"). A Forest Service archeologist has reviewed this project and we have made a determination of No Historic Properties Affected in the area of potential effect for the proposed project.

Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990)

This activity will not impact the functional value of any floodplain as defined by Executive Order 11988 and will not have negative impacts on wetlands as defined by Executive Order 11990.

Recreational Fisheries (E.O. 12962)

Federal agencies are required, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. As required by this Order, I have evaluated the effects of this action on aquatic systems and recreational fisheries and documented those effects relative to the purpose of this order. Since there are no effects to fisheries resources within the project area, there will be no direct, indirect or cumulative impacts related to this Order.

Environmental Justice (E.O. 12898)

I have determined that, in accordance with Executive Order 12898, this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

Invasive Species (E.O. 13112)

Executive Order 13112 directs Federal agencies to identify actions which may affect the status of invasive species; prevent the introduction of invasive species; detect and respond rapidly to and control populations of such species; monitor invasive species populations; and to provide for restoration of native species and habitat conditions in ecosystems that have been invaded. Actions to be taken include planning at the local, tribal, and state level for species that are likely to cause economic or environmental harm, or, regional, and ecosystem levels, in cooperation with stake holders and organizations addressing invasive species. Agencies are not to fund or authorize actions that the agency believes are likely to cause or promote the introduction or spread of invasive species, unless the benefits of the action outweigh the potential harm caused by the species.

An invasive plant risk assessment has been completed for this project. Findings and recommended mitigation measures are incorporated into project design and decision. Refer to Invasive Plant Risk Assessment for mitigation measures addressing the management of invasive plants.

Magnuson-Stevens Fishery Conservation and Management Act

The proposal would not impact fish habitat as a result of best management practices and no effects would be transported to the marine environment during activities associated with this project. Thus, there would be negligible effects on freshwater or marine Essential Fish Habitat (EFH).

IMPLEMENTATION DATE

This action falls within a category of actions which are not subject to appeal. Implementation of this decision may occur immediately.

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Distribution

Kyle Moselle, Alaska Department of Natural Resources

10/18/16
Date

